

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

PHIL BERNARD LEWIS,

Petitioner,

v.

FCI TEXARKANA WARDEN,

Respondent.

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CIVIL ACTION NO. 5:20-CV-00048-RWS

ORDER

Petitioner Phil Bernard Lewis, a prisoner confined at the Federal Correctional Institution in Texarkana, Texas, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Docket No. 1. The Court referred this matter to the Magistrate Judge, who recommends dismissing the petition. Docket No. 5 (“Report and Recommendation”).

The Court has received and considered the Magistrate Judge’s Report and Recommendation, along with the record, pleadings and all available evidence. The petitioner acknowledged receiving the Report and Recommendation on June 3, 2020. Docket No. 6. Neither party objected to the Report and Recommendation.

Because no objections to the Magistrate Judge’s Report have been filed, neither party is entitled to *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, they are barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C § 636(b)(1)(C); *Douglass v. United Services Automobile Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Nonetheless, the Court has reviewed the petition and the Magistrate Judge's Report and Recommendation and agrees with the Report and Recommendation. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants.’”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)).

It is accordingly

ORDERED that the Magistrate Judge’s Report and Recommendation (Docket No. 5) is **ADOPTED** as the opinion of this Court and Lewis’s petition for writ of habeas corpus is **DENIED**. It is further

ORDERED that all motions not previously ruled on are **DENIED AS MOOT**.

So ORDERED and SIGNED this 23rd day of October, 2020.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE